

- “Qualified hydroelectric facility” is redefined to recognize both conventional and new innovative technologies and that construction should not require any permanent enlargement of impoundment or diversion structure when installed.

- A definition for “qualified kilowatt-hours” is added.

- The definition of “sale” of electricity is amended to specify that not-for-profit electric cooperatives and municipal utilities are considered unrelated to their members for purposes of hydroelectric production incentive payments.

- Definitions in the guidance are appealable.

- The net electric energy generated and sold must either be metered or must be measured through an alternative means confirmed by a third party.

- A definition for “first eligible for payment” is added and defined as the first Federal fiscal year that a qualified hydroelectric facility operates to sell electric energy and this change is repeated in other relevant portions of the guidance.

After receiving public comment asking for clarification about the date that hydropower facility owners or operators are first eligible for incentive payments, DOE reexamined the July draft guidance proposal that the 10-year eligibility period was to begin the first fiscal year in which the application for payment is made. The July draft guidance defined the period of eligibility to be “the fiscal year in which application for payment for electricity generated by the facility is first made and the facility is determined by DOE to be eligible for and receives an incentive payment.” See <http://energy.gov/eere/water/water-power-program>. DOE recognizes that the purpose of the section 242 program is to incentivize new hydropower development and production. The statute envisioned 10 years of consecutive payments to stimulate such investment. Moreover, the incentive period mentioned in section 242(a) refers to the period of 10 fiscal years that begins with the fiscal year in which the electric energy generated from the facility is first eligible for such payments. Hydroelectric facilities are first eligible for such payments the date these facilities meet the “qualified hydroelectric facility” definition in section 242(b)(1), regardless of whether funds were appropriated in a given fiscal year. Congress only authorized appropriations for fiscal years 2006 through 2015, though it did not actually provide funding prior to fiscal year 2014, and limited the pool of qualified

hydroelectric facilities to those that begin operation between fiscal years 2006 through 2015. DOE is now proposing that the 10-year period of eligibility begins the date a qualified hydroelectric facility begins operation and generates energy for sale (must be between fiscal year 2006 and fiscal year 2015) and ends 10 fiscal years from that date. (See 42 U.S.C. 15881(a)–(d)) DOE is accepting comments on this and all other aspects of the draft guidance.

Issued in Washington, DC, on October 14, 2014.

David Danielson,

Assistant Secretary, Energy Efficiency and Renewable Energy.

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DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

Request for Information; Assisting Federal Facilities With Energy Conservation Technologies, Fiscal Year 2015

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Request for Information (RFI) and public comment.

SUMMARY: The Department of Energy (DOE) today invites public comment on its Request for Information (RFI) number DE–FOA–0001203 regarding “Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015.” The RFI document is posted at <https://eere-exchange.energy.gov/>.

EERE intends to issue, on behalf of the U.S. Department of Energy (DOE) Federal Energy Management Program (FEMP), a Funding Opportunity Announcement (FOA) entitled “Assisting Federal Facilities with Energy Conservation Technologies Fiscal Year 2015 (AFFECT 2015).” This RFI seeks input from interested parties and stakeholders regarding the subject of the anticipated FOA and related details. If the FOA is issued, it will likely provide grants to Federal agencies for renewable energy projects that are incorporated into a privately financed performance contract, such as an Energy Savings Performance Contract or Utility Energy Service Contract, or as part of a renewable energy Power Purchase Agreement (PPA). Applications for renewable energy projects that are financed through appropriations will also be considered. If the FOA is issued, it will be released at some point in

Fiscal Year 2015, which began October 1, 2014 and ends September 30, 2015.

This is solely a Request for Information and not a Funding Opportunity Announcement (FOA). EERE is not accepting applications.

DATES: Responses to the RFI must be received by November 13, 2014.

ADDRESSES: The complete RFI document is located at <https://eere-exchange.energy.gov/>.

FOR FURTHER INFORMATION CONTACT:

Responses to the RFI should be sent via email or email attachment to rfi.affect2015@hq.doe.gov. Further instruction can be found in the RFI document posted on EERE Exchange.

SUPPLEMENTARY INFORMATION: This RFI is not a Funding Opportunity Announcement (FOA); therefore, EERE is not accepting applications at this time. EERE may issue a FOA in the future based on or related to the content and responses to this RFI; however, EERE may also elect not to issue a FOA. There is no guarantee that a FOA will be issued as a result of this RFI. Responding to this RFI does not provide any advantage or disadvantage to potential applicants if EERE chooses to issue a FOA regarding the subject matter. Final details, including the anticipated award size, quantity, and timing of EERE funded awards, will be subject to Congressional appropriations and direction.

Any information obtained as a result of this RFI is intended to be used by the Government on a non-attribution basis for planning and strategy development; this RFI does not constitute a formal solicitation for proposals or abstracts. Your response to this notice will be treated as information only. EERE will review and consider all responses in its formulation of program strategies for the identified materials of interest that are the subject of this request. EERE will not provide reimbursement for costs incurred in responding to this RFI. Respondents are advised that EERE is under no obligation to acknowledge receipt of the information received or provide feedback to respondents with respect to any information submitted under this RFI. Responses to this RFI do not bind EERE to any further actions related to this topic.

Issued on October 9, 2014.

Timothy D. Unruh,

Director, Federal Energy Management Program, Energy Efficiency and Renewable Energy.

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